

1 GARRETT J. ZELEN, ESQ.
2 (California SB # 083084)
3 LAW OFFICES OF GARRETT J. ZELEN
4 12400 Wilshire Boulevard, Ste. 400
5 Los Angeles, CA 90025
6 (310) 820-0077
7 gzelen@sbcglobal.net

5 Attorney for Defendant JAMES MURRAY

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

10 UNITED STATES OF AMERICA, } Case No.12 CR 00278- EMC (LB)
11 Plaintiff, }
12 vs. } STIPULATION AND (PROPOSED)
13 } ORDER TO CONTINUE THE
14 JAMES MICHAEL MURRAY, } THE BRIEFING SCHEDULE
15 Defendant. } AND HEARING DATE FOR
 } DEFENDANT'S MOTIONS FOR
 } DISCOVERY/DISCLOSURE
)

17 Defendant, JAMES MURRAY, and the United States hereby stipulate to
18 continue the briefing schedule and hearing dates for discovery and disclosures
19 motions assigned for hearing to the Honorable Laurel Beeler, as set forth below:

20 The briefing schedule, ordered by Judge Chen, on August 27, 2012, was to
21 be as follows:

22 || October 17, 2012 - Defendant's Motions Due

23 November 7, 2012 - Government's Oppositions Due

24 || November 21, 2012 - Defendant's Replies Due.

25 On October 3, 2012, United States Magistrate Judge Nathanael Cousins
26 revoked Defendant's bail and ordered that he be detained pending trial. Defendant
27 intends to move for release on bail and an evidentiary hearing on Defendant's
28 motion has been scheduled for October 24, 2012, before Judge Cousins.

Defendant's counsel, a solo practitioner, avers that he will be filing a motion and supporting information and/or evidence in support of Defendant's motion for bail. He further avers that this effort will require his full available attention and that he also has obligations to other clients in other upcoming court cases. These obligations will preclude defense counsel from being able to prepare motions on the schedule set before Judge Chen.

7 Accordingly, Defendant requests and the Government does not object to
8 revision the briefing schedule on the anticipated discovery motions as follows:

November 21, 2012 - Defendant's Motions Due

December 19, 2013 - Government's Oppositions Due

January 2, 2012 - Defendant's Replies Due.

January 17, 2012 - Hearing on Motion

13 Defendant's counsel has advised the Defendant of his rights under the
14 Speedy Trial Act; the Defendant concurs with his counsel that continuing the
15 Briefing Schedule and Hearing of Defendant's Motions for Discovery/Disclosure,
16 and continuing any potential trial in this matter, is necessary to enable Defendant's
17 counsel to have adequate time to prepare, taking into account the nature of the
18 issues to be presented to the Court, and the exercise of due diligence.

19 The Defendant further concurs with his counsel that his counsel is to give
20 first priority to the pleadings to be filed and the preparation for the hearing as to
21 the motion for bail, now scheduled for October 24, 2012, and agrees that
22 continuing of the briefing schedule on the Discovery/Disclosure Motions and
23 hearing thereon, are in the best interests of Defendant.

Defendant, and his counsel, agree, without Government objection, that the time for such continuance of the briefing schedule, filing of Motions and Responses, and subsequent hearing thereon should be excluded under the Speedy

1 Trial Act. 18 U.S.C. §§ 3161(h)(1)(D) and (7).

2
3 IT IS SO STIPULATED,

4 Dated: October 15, 2012

5

/s/
JOHN H. HEMANN
Assistant United States Attorney

6
7 Dated: October 15, 2012

8

/s/
GARRETT J. ZELEN
Attorney for James Murray

9 Garrett Zelen hereby attests that concurrence in the filing of this document
10 has been obtained from Assistant United States Attorney John Hemann.

11 **ORDER**

12 Based on the forgoing stipulation, IT IS SO ORDERED.

13 The briefing and hearing schedule on the motions to be filed by Defendant is
14 as follows:

16 November 21, 2012 - Defendant's Motions Due
17 December 19, 2013 - Government's Oppositions Due
January 2, 2012 - Defendant's Replies Due.
18 January 17, 2012 - Hearing on Motions
2013 at 11:00 a.m.

19 For the reasons set forth in the stipulation, the Court finds that time under
the Speedy Trial Act is excluded from October 11, 2012, to January 17, 2012. 18
20 U.S.C. §§ 3161(h)(1)(D) and (7).

22 Dated: October 15, 2012

23 

THE HONORABLE LAUREL BEELER
United States Magistrate Judge